



WEB COPY



W.P.No.701 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAN**

W.P.No.701 of 2022
and W.M.P.No.756 of 2022

Nadanasabapathy

.... Petitioner

Vs

1.The District Collector,
Chengalpattu District.

2.The Special Tahsildar [LA],
Tamil Nadu Urban Development Scheme-III,
New Street, Supper Bazaar, Alandur,
Chennai – 16.

3.The Assistant Division Engineer (H),
Chennai Metropolitan Development Plan,
Sub-Division-IV, Saidpaet,
Chennai – 15.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records in letter No.888/2016/Medavakkam/GS/LA/1/JDO dated 06.01.2022 on the file of the 3rd respondent herein and consequently direct the respondents to acquire the land in accordance with law.

For Petitioner : Mr.B.Manoharan

For Respondents : Mr.T.Arunkumar

Additional Government Pleader.



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ORDER

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The writ on hand has been instituted questioning the validity of the letter dated 06.01.2022 issued by the Assistant Divisional Engineer, Chennai Metropolitan Development Plan.

2.The petitioner states that he is the owner of the property comprised in Natham Survey No.435/21, New No.435/21B, Medavakkam Village, Tambaram Taluk, Chengalpattu District. It is not in dispute that the portion of the land belonged to the petitioner was acquired and compensation was paid to the writ petitioner. The petitioner possessed 91 sq.m. of total area along with the building, out of which 74 sq.m. were acquired for the purpose of road widening project and 17 sq.m. area was left without acquisition.

3.The grievance of the writ petitioner is that the structural value for the main building is yet to be assessed and compensation has not been paid. The telecom tower commissioned in the acquired portion of the building also to be removed enabling the authorities to complete the road widening project.



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4.The learned counsel for the petitioner reiterated that they are not blocking the road projects but requesting the authorities to assess the structural value of the acquired portion of the building and pay compensation accordingly.

5.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that in respect of the acquired portion of 74 sq.m. along with the building compensation was determined and paid to the writ petitioner which is not in dispute. Unless the telecom tower commissioned in the portion of the acquired land is removed, the authorities may not be in a position to complete the project as drainage pipes are to be laid in that location. Since the petitioner has filed the present writ petition, they are unable to complete the project as per the schedule.

6.It is not in dispute that the respondent acquired 74 sq.m. of land along with the building belonged to the petitioner. After passing of an award and on receipt of the compensation, the land absolutely vested with the Government and therefore, the respondents shall proceed with



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the road widening project by demolishing the building and there is no impediment.

7.As far as the claim of the petitioner is concerned, he is at liberty to seek any enhancement of compensation under the provisions of the Act or submit an application for the assessment of structural value or otherwise, if it has not been determined by the authorities at the time of payment of compensation. In either case, the petitioner is at liberty to approach the authorities in the manner contemplated under the Land Acquisition Act. Contrarily, the land acquired by the Government must be left open for the purpose of completion of road widening project.

8.Road widening projects are undertaken for the benefit of the public at large and to be completed as per the time limit fixed. Any delay would end with cost escalation ultimately resulting in financial loss to the State Exchequer.

9.The grievance of the writ petitioner if any exist may be redressed by following the procedures as contemplated under law. Thus, the



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respondents are at liberty to demolish the portion of the acquired land which has already been vested with the Government. If at all the assessment of structure has not been made already, the authorities can once again visit the premises and initiate necessary action if required under law.

10. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cse

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